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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/858,172 05/15/2001		Yoshimasa Utsumi	450100-03223	1573	
20999 7	590 06/16/2005		EXAMINER		
	LAWRENCE & HAUG	SMITH, TRACI L			
NEW YORK,	'ENUE- 10TH FL. NY 10151		ART UNIT	PAPER NUMBER	
ŕ			3629		

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Tracit_Smith 3529		Application	on No.	Applicant(s)					
Traci L. Smith 3629 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be resulted under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. - If the period to reply specified obere, the maximum stated by period will apply and will expert SIX (6) MONTHS from the mailing date of this communication. - Failure to expl within its specified obere, the maximum stated by period will apply and will expert SIX (6) MONTHS from the mailing date of this communication. - Failure to expl within its specified obere, the maximum stated by period will apply and will expert SIX (6) MONTHS from the mailing date of this communication. - Failure to expl within its specified obere, the maximum stated by period will apply and will expert SIX (6) MONTHS from the mailing date of this communication. - Failure to expl within its specified obere, the maximum stated by send will apply and will expert SIX (6) MONTHS from the mailing date of this communication. - Failure to expl within the provide obere the send than the emember of the mailing date of this communication, even if timely filed, may reduce almy send of this communication. - Failure to expl within the provided of this communication, even if timely filed, may reduce almy reduce almy reduced this communication. - Status - Tailure to expl within the provided of this communication, even if timely filed, may reduce almy reduced and the communication. - Status - Tailure to expl within the provided of this communication. - Tailure to expl within the provided obere. - Tailure to expl withi		09/858,172		UTSUMI, YOSI	UTSUMI, YOSHIMASA				
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).				nlication No	•				
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· · ·	Attachment(s)								
	1) Notice of References Cited (PTO-892)								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)		08)			'TO-152)				
Paper No(s)/Mail Date 6) Other:		•			,				
	U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office	Action Summa	у	Part of Paper No./Mail	Date 20050606				

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DETAILED ACTION

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- 1. This action is in response to papers filed on May 26, 2005...
- 2. Claims 1-12 are rejected.
- 3. Claims 1-12 are pending.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 6. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being obvious over US Patent 6, 658, 401
- 7. The applied reference has a common Assignee and one inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed

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but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2). It would have been obvious to one skilled in the art to modify the method and apparatus so as to use information pertaining to patent infringement. As one would want to identify information that invalidates ones rights to avoid paying royalties; one would also want to identify companies or individuals infringing on rights so as to collect royalties.

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Response to Arguments

- 8. Applicant's arguments, see Pg. 3 2, filed May 26, 2005, with respect to claims 1-12 have been fully considered and are persuasive. The rejection of April 6, 2005 has been withdrawn.
- 9. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 572-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS

JOHN G. WEISS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600